

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

Charles Lyons

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

US Living LLC, Yehonotan Sade, Vero Capital

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Charles Lyons
Street Address	1513 Jasmine Parkway
City and County	Alpharetta Fulton
State and Zip Code	GA 30022
Telephone Number	6785161528
E-mail Address	a481977@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## Defendant No. 1

Name	Yehonotan Sade
Job or Title <i>(if known)</i>	Owner
Street Address	206 East 9th Street Suite 1300
City and County	Austin, Travis
State and Zip Code	Texas 78701-4411
Telephone Number	800.345.4647
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	Vero Capital
Job or Title <i>(if known)</i>	
Street Address	650 5th Avenue, 20th Floor
City and County	New York, New York County
State and Zip Code	New York 10019
Telephone Number	212-792-5022
E-mail Address <i>(if known)</i>	info@capitol-services.com

## Defendant No. 3

Name	US Living LLC
Job or Title <i>(if known)</i>	
Street Address	4849 Greenville Avenue, Suite 100
City and County	Dallas, Dallas
State and Zip Code	TX 75206
Telephone Number	214-432-0807
E-mail Address <i>(if known)</i>	info@capitol-services.com

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 U.S.C. § 1332, 41 US Code § 6503.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Charles Lyons, is a citizen of the  
State of *(name)* Georgia

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_  
and has its principal place of business in the State of *(name)* \_\_\_\_\_

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* Yehonotan Sade, is a citizen of  
the State of *(name)* Texas. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## b. If the defendant is a corporation

The defendant, (name) Vero Capital, is incorporated under the laws of the State of (name) New York, and has its principal place of business in the State of (name) New York.  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) New York.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

2,900,000

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Defendant violated 41 US Code § 6503 by breach of contract and 28 U.S.C. § 1332. Defendant was under contractual obligation during lease in July 2019 to repair mold infected unit caused by the unit above the Plaintiffs' unit and defendant refused to do so materially breaching contract, causing toxic mold exposure and mildew damage throughout the whole unit.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.



Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Award of statutory, actual and punitive damages for Plaintiff for toxic mold exposure, breach of contract and failure to disclose of mold at property.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/2/2024

Signature of Plaintiff

Printed Name of Plaintiff

  
Charles Lyons

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**CHARLES LYONS,  
Plaintiff,**

**V.**

**YEHONOTAN SADE,  
US LIVING LLC,  
VERO CAPITAL  
Defendants.**

**CIVIL ACTION FILE**

**(Trial by Jury Demanded)**

**COMPLAINT**

Plaintiff Charles Lyons files this Complaint against Yehonotan Sade, US Living LLC, and Vero Capital. Plaintiff alleges, based on personal knowledge as to Defendant's actions and upon information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

Plaintiff Charles Lyons brings this action under 28 U.S.C. § 1332. Defendant violated 41 US Code § 6503 by breach of contract. Defendant(s) was under contractual obligation during lease in July 2019 to repair mold infected unit caused by the unit above the plaintiffs' unit and defendants refused to do so materially breaching contract causing toxic mold exposure and mildew damage throughout the whole unit. Defendants' did not disclose the condition of unit concerning the mold damage and exposure.

**PARTIES**

1. Plaintiff Charles Lyons, 1513 Jasmine Parkway Alpharetta, GA 30022.
2. Defendant Yehonotan Sade headquartered at 206 East 9<sup>th</sup> Street, Suite 1300 Austin, TX 78701 and registered agent address at 206 East 9<sup>th</sup> Street, Suite 1300 Austin, TX 78701.

3. Defendant Vero Capital headquartered at 650 5th Avenue, 20th Floor New York, NY 10019 and registered agent address at 650 5th Avenue, 20th Floor New York, NY 10019.

4. Defendant US Living LLC headquartered at 4849 Greenville Avenue, Suite 100 Dallas, TX 75206 and registered agent address at 4849 Greenville Avenue, Suite 100 Dallas, TX 75206.

### **JURISDICTION AND VENUE**

This Court has jurisdiction over this action as diversity of citizenship under 28 U.S.C. § 1332 as the Plaintiff lives in the State of Georgia and the Defendants are incorporated under the laws of the State of Texas and New York and principal place of business is the State of Texas and New York. This Court has the authority to grant relief pursuant to 28 U.S.C. § 1322. Venue is proper under 28 U.S. Code § 1391.

### **STATEMENT OF FACTS**

In July 2019, Plaintiff states he sent a maintenance request by electronic submission at the resident portal at The Fields Retreat Peachtree managed and owned by Elite Street Capital LLC which is currently US Living LLC/Vero Capital owned by Yehonatan Sade. The Defendant violated the mold and mildew addendum in the lease contract of the Plaintiff. The roof in the bathroom had caved in due to running water from the unit above the Plaintiffs'. There was significant mold in the unit prior to the roof caving in. The unit was not repaired by the Defendants for weeks and the unit eventually had to be gutted down to the studs and everything inside had to be thrown away. The Defendants refused to respond to the Plaintiff and put in additional requests to have this issue fixed which were ignored by the Defendants. The water damage caused toxic mold and mildew to set in throughout the whole unit. The Plaintiff also became ill due to the toxic mold exposure.

### **STATEMENT OF CLAIMS**

Defendants failed to respond to request under contractually binding agreement to fix necessary repairs. Defendants failed to not have exposed Plaintiff to toxic mold and mildew cause by the Defendants' negligence, putting Plaintiffs' health at risk. Defendants failed to disclose the condition of the unit concerning the toxic mold, which was present when Plaintiff signed the contract fro the unit.

### **PRAYER FOR RELIEF**

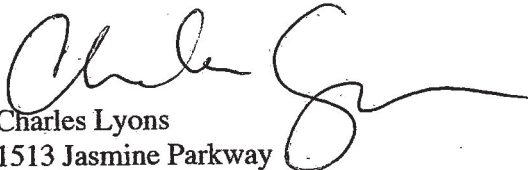
WHEREFORE, the Plaintiffs request that this Court:

- (a) Expedite its consideration of this action pursuant to 28 U.S.C. § 1332;
- (b) Find that Defendants' failure to respond put Plaintiff under exposure to toxic mold and mildew;
- (c) Grant such other relief as the Court may deem just and proper;
  - 1. An award of statutory, actual and punitive damages for Plaintiff;
  - 2. An award of pre-judgment and post-judgment interest as provided by law.

**JURY DEMAND**

Plaintiff hereby requests and demands a trial by jury.

Respectfully submitted,

  
Charles Lyons  
1513 Jasmine Parkway  
Alpharetta, GA 30022  
678-516-1528  
a481977@gmail.com

April 2, 2024